

Remarks

Favorable reconsideration of the above amendments and following remarks is respectfully requested. Claim 1 has been amended to include substantially the features from originally presented claims 4-6. Accordingly, claims 4-6 have been canceled. Claims 7, 11, 13, and 14 are revised as are result of the revisions made to claim 1. Figs. 7 and 8 are revised and are reflected in the Replacement Drawings submitted herewith. No new matter has been added. Claims 1-3 and 7-19 are pending. Claims 3, 15, and 17 were considered allowable.

Turning to the substance of the Office Action, the drawings were objected to for informalities, because Figs. 7 and 8 are not labeled as "Prior Art". Replacement Drawings of Figs. 7 and 8 are attached herewith to address the informality. Withdrawal of the objection is requested.

Claims 11 and 12 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection to the extent it is maintained.

Applicants note that claim 1 is included in the comments of the rejection even though only claims 11 and 12 appear in the Office Action's statement of the rejection. Claim 1 has been editorially revised to recite "the reproduction light emitted" in the clause noted by the Examiner. Applicants respectfully submit that claim 1 is definite.

Regarding claims 11 and 12, the terms "the second light source" has been edited to "a second light source" to cure the lack of antecedent basis issue. Applicants respectfully submit that claims 11 and 12 are definite.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 2, 4-7, 10, 13, 14, 16, 18, and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by Sugaya et al. (US 5602825). Applicants respectfully traverse this rejection to the extent it is maintained.

Sugaya et al. does not disclose or suggest the features required by claim 1. Sugaya et al. at least fails to disclose or suggest a device that has an information recording medium that includes a recording unit having a multilayer structure of recording layers capable of recording information three-dimensionally and reproducing information recorded on one of the recording layers through any of the other recording layer or layers. Sugaya et al. is

directed to a device using an optical disk that is fundamentally different from the optical information recording device of claim 1. While Sugaya et al. discloses an optical disk having two recording layers, the reference is not relevant to recording information three-dimensionally. Rather, Sugaya et al. records information on the recording layers with pit trains (see e.g. Abstract), where reproduction information recorded on one of the recording layers is not performed through the other of the recording layer or layers as in claim 1. That is, to change the recording layer to be reproduced in Sugaya et al., it is necessary to put the optical disk upside down. Sugaya et al. therefore fails to disclose or suggest claim 1 for at least these reasons.

Moreover, Sugaya fails to disclose or suggest a device that adjusts the positioning of a first semiconductor laser light source to a predetermined condition, or an optical component provided along the optical path between the first semiconductor laser light source and an objective lens so as to switch the state of polarization of the reproduction light emitted from the first semiconductor laser light source, whereby when focused on the information recording medium, the reproduction light emitted includes as its main component a polarized light component that is polarized perpendicular to the track direction of the information recording medium. Fig. 2 of Sugaya et al. is relied upon for satisfying the feature that the reproduction light emitted includes as its main component a polarized light component that is polarized perpendicular to the track direction of the information recording medium. Applicants respectfully submit that this conclusion is incorrect. Sugaya et al. does not show or suggest such a feature. Rather, Fig. 2 of Sugaya et al. shows a polarization beam splitter 22 that only has a function of separating incident light (see e.g. col. 6, lines 33-44). In fact, Sugaya et al. does not show a positioning of their beam splitter 22 with respect to a track direction. Thus, Sugaya et al. does not satisfy the feature of a polarized light component that is polarized perpendicular to the track direction, and the reference does not anticipate claim 1. For at least the foregoing reasons, Applicants respectfully submit that claim 1 and its remaining dependents are allowable over Sugaya et al.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sugaya et al. (above) in view of Fukakusa et al. (US 6256283). Applicants respectfully traverse this rejection to the extent it is maintained.

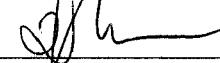
Sugaya et al. has been distinguished above with respect to claim 1. Claims 8 and 9 depend upon claim 1, and Applicants respectfully submit that claims 8 and 9 are distinguished from Sugaya et al. for at least the same reasons specified above with respect to claim 1. Fukakusa et al. does not remedy the deficiencies of Sugaya et al., and Applicants respectfully submit that the claims do not follow from the references cited. Applicants do not concede the correctness of the rejection.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of this application in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative listed below.

Respectfully submitted,

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